



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Agriculture

Title of rule and other identifying information: (Describe Subject) Chapter 16-404 WAC Standards For Summer Apples Marketed Within Washington

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: George Huffman, Rules Coordinator
Agency: Washington Department of Agriculture
Address: Administrative Regulations Program
1111 Washington St. SE
PO Box 42560
Olympia, WA 98504-2560

AND RECEIVED BY May 2, 2005

Purpose of the proposal and its anticipated effects, including any changes in existing rules: RCW 34.05.353(2)(d) allows the Washington State Department of Agriculture to file notice for the expedited repeal of rules if "other rules of the agency or another agency govern the same activity as the rule, making the rule redundant." Chapter 16-404 (Standards for Summer Apples Marketed Within Washington) is antiquated and no longer necessary because standards for all apples marketed within Washington are contained in chapter 16-403 WAC (Standards For Apples Marketed Within The State of Washington). Repealing chapter 16-404 WAC will reduce confusion within the regulated industry and allow the department to comply with Executive Order 97-02, which directs the department to repeal all rules that are no longer needed.

Reasons supporting proposal: Chapter 16-404 WAC is outdated and no longer followed by industry. It has been supplanted by chapter 16-403 WAC and is, therefore, redundant. This proposal to repeal chapter 16-404 WAC is a result of the department's ongoing rule review effort under Executive Order 97-02. Failure to repeal chapter 16-404 WAC could lead to confusion within the apple industry and contradicts the spirit of the executive order.

Statutory authority for adoption: RCW 15.17.030 and RCW 15.17.050 and RCW 34.05.353

Statute being implemented: Chapter 15.17 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE March 2, 2005

NAME Robert W. Gore

SIGNATURE

TITLE Assistant Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
MAR 2 2005	
TIME 9:35	AM PM
WSR 05-06-100	

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) Washington State Department of Agriculture

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Jim Quigley	Olympia, WA	(360) 902-1833
Implementation....Jim Quigley	Olympia, WA	(360) 902-1833
Enforcement.....Jim Quigley	Olympia, WA	(360) 902-1833

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-404-001	Promulgation.
WAC 16-404-010	Definitions.
WAC 16-404-020	Grades--Washington extra fancy apples.
WAC 16-404-030	Grades--Washington summer fancy apples.
WAC 16-404-040	Grades--Color percentages.
WAC 16-404-050	Marking requirements.
WAC 16-404-060	Tray packs.
WAC 16-404-070	Exceptions.